

111TH CONGRESS
1ST SESSION

S. 1016

To amend title 38, United States Code, to modify the commencement of the period of payment of original awards of compensation for veterans who are retired or separated from the uniformed services for disability.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2009

Mr. BURR introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to modify the commencement of the period of payment of original awards of compensation for veterans who are retired or separated from the uniformed services for disability.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. COMMENCEMENT OF PERIOD OF PAYMENT OF**
4 **ORIGINAL AWARDS OF COMPENSATION FOR**
5 **VETERANS RETIRED OR SEPARATED FROM**
6 **THE UNIFORMED SERVICES FOR DISABILITY.**

7 (a) COMMENCEMENT OF PERIOD OF PAYMENT.—

1 (1) IN GENERAL.—Subsection (a) of section
2 5111 of title 38, United States Code, is amended—

3 (A) by inserting “(1)” after “(a)”;

4 (B) in paragraph (1), as designated by
5 paragraph (1) of this subsection, by striking “in
6 subsection (c) of this section” and inserting “in
7 paragraph (2) and subsection (c)”;

8 (C) by adding at the end the following new
9 paragraph:

10 “(2)(A) In the case of a veteran who is retired or
11 separated from the active military, naval, or air service
12 for a disability or disabilities, payment of monetary bene-
13 fits based on an award of compensation based on an origi-
14 nal claim shall be made as of the date on which such
15 award becomes effective as provided under section 5110
16 of this title or another applicable provision of law.

17 “(B) In the case of a veteran described by subpara-
18 graph (A) who is also covered by subsection (b)(2), pay-
19 ment of monetary benefits shall be made as described in
20 subparagraph (A) only if the veteran files a waiver as de-
21 scribed in subsection (b)(2) within the time specified in
22 subsection (b)(2)(B).”.

23 (2) TREATMENT OF REQUIRED WAIVERS.—Sub-
24 section (b)(2) of such section is amended—

1 (A) by striking “If” and inserting “(A)
2 Except as provided in subparagraph (B), if”;
3 and

4 (B) by adding at the end the following new
5 subparagraph:

6 “(B) In the case of a veteran described by subpara-
7 graph (A) who is also described by subsection (a)(2), the
8 effective date of a waiver described by subparagraph (A)
9 shall be deemed to be the date on which the award of com-
10 pensation for the veteran becomes effective under sub-
11 section (a)(2) if the waiver is filed by the veteran not later
12 than 30 days after the retirement or separation of the vet-
13 eran from the active military, naval, or air service as de-
14 scribed in subsection (a)(2).”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (a) shall take effect on the date of the enact-
17 ment of this Act and shall apply with respect to awards
18 of compensation based on original claims that become ef-
19 fective on or after that date.

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